

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method for protecting real estate and/or a true owner's equity therein from fraudulent conveyance, mortgaging or other fraudulent transactions and encumbrances involving the real estate comprising:

(a) executing a written instrument comprising a lien on the real estate by a first party lien holder;

(b) recording the written instrument so as to give public notice according to applicable laws and regulations;

(c) compiling and documenting personal information evidencing the true owner's identity; and

(d) based on said personal information, the first party lien holder verifying, when notice of a pending transfer or encumbrance of the real estate is received from a second party seeking a pay off statement or balance on said lien by the first party lien holder, that the one attempting to transfer or encumber the real estate is in fact the true owner.

2. (Original) The method of claim 1 wherein the real estate is a private home.

3. (Currently Amended) The method of claim 1 wherein the written instrument specifies [[a]] the first party lien holder and includes a requirement that the first party lien holder be contacted and notified prior to closing any mortgage, conveyance or other encumbrance involving the real estate[[]].

4. (Original) The method of claim 1 wherein the written instrument further specifies that the lien must be paid prior to release.

5. (Currently Amended) The method of claim 1 wherein the written instrument further specifies that the lien can be released only by obtaining a payoff statement from ~~a holder of the lien~~ the first party lien holder.

6. (Original) The method of claim 5 further comprising preparing a payoff statement, said payoff statement requiring that the true owner present a closing pass prior to closing; and issuing a closing pass to the true owner after the true owner's identity is verified.

7. (Original) The method of claim 6 wherein the closing pass comprises figures selected from the group consisting of letters, words, numbers, symbols, designs and combinations thereof.

8. (Currently Amended) The method of claim 1 wherein said written instrument further specifies that in the event of a title or abstract search on the real estate by a real estate professional, the professional is requested to notify ~~a holder of the lien~~ the first party lien holder.

9. (Original) The method of claim 8 wherein the written instrument defines the real estate professional as being selected from the group consisting of real estate agent, closing agent, title company and attorney.

10. (Original) The method of claim 1 wherein said written instrument further includes language identifying the lien as a means to prevent identity theft and fraud.

11. (Original) The method of claim 1 wherein said personal information comprises personal and private information known only by the true owner.

12. (Original) The method of claim 1 wherein said personal information comprises information selected from the group consisting of mother's maiden name, pet's name, birth date, birth city, father's middle name, name of best friend in grade school, schools attended and dates, musical instruments played, ethnic background, race, eye color, and combinations thereof.

13. (Original) The method of claim 1 wherein said personal information comprises a question and answer generated by the true owner.

14. (Original) The method of claim 1 wherein said personal information comprises a photograph of the true owner.

15. (Original) The method of claim 1 wherein said personal information comprises names and contact information of individuals who can testify to the true owner's identity by sight.

16. (Original) The method of claim 1 wherein said personal information comprises a security code.

17. (Original) The method of claim 16 wherein said security code comprises figures selected from the group consisting of letters, words, numbers, symbols, designs or combinations thereof.

18. (Original) The method of claim 1 further comprising periodically updating the personal information.

19. (Original) The method of claim 1 further comprising releasing the lien if the one attempting to transfer or encumber the real estate is in fact the true owner.

20. (Original) A method for protecting real estate and/or a true owner's equity therein from fraudulent conveyance, mortgaging or other fraudulent transactions and encumbrances involving the real estate comprising:

executing a written instrument wherein a lien on the real estate is obtained by a lender in exchange for a loan of money or service to a true owner of the real estate and wherein the instrument specifies that the lender must be contacted and a payoff statement obtained prior to closing any transaction involving the real estate;

recording the written instrument so as to give public notice of the lien and its requirements according to applicable laws and regulations;

compiling and documenting personal information evidencing the true owner's identity;

executing a contract between the lender and the true owner of the real estate whereby when requested to release the lien, the lender is required to investigate that the true owner is aware of the pending transaction and to confirm that the true owner is not being fraudulently represented in the transaction prior to release of the lien by the lender; and

periodically updating the personal information.

21. (Currently Amended) A real estate equity protection system that comprises:

(a) a written instrument, recordable so as to provide public notice, comprising a mortgage whereby a lien on the real estate is provided to a service company in exchange for a loan of money or service to a true owner of the real estate;

(b) means for documenting and maintaining personal information by the service company as evidence of the true owner's identity; and

(c) means for confirming, by the service company upon receiving notice of a pending sale, mortgage or other transaction involving the real estate, the true owner's identity based on the documented personal information, and for confirming that the true owner is aware of the sale, mortgage or other transaction and that the true owner is not being fraudulently represented in the sale, mortgage or other transaction.

22. (Original) The system of claim 21, wherein the instrument specifies that the service company must be contacted and a payoff statement obtained prior to closing any sale, mortgage or other transaction involving the real estate.

23. (Original) The system of claim 21 wherein the means for documenting and maintaining the personal information comprises a computer.

24. (Original) The system of claim 21 wherein the means for documenting and maintaining the personal information comprises a computer system backed up by a manual filing system.

25. (Currently Amended) The system of claim 21 wherein the ~~security~~personal information comprises a security code.